Local Government Mandate Statement
Kentucky Legislative Research Commission
2024 Regular Session

Part I: Measure Information

Bill Request #:   2197

Bill #:   SB 242 SCS 1

Document ID #:   8632

Bill Title: AN ACT relating to health services.

Sponsor: Senator Daniel Carroll

Unit of Government: **X** City   **X** County   **X** Urban-County

                                                                                        Unified Local

                       X Charter County   **X** Consolidated Local   **X** Government

Office(s) Impacted: Law enforcement.

Requirement: **X** Mandatory   **X** Optional

Effect on
Powers & Duties: **X** Modifies Existing   Adds New   Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 242 SCS 1 addresses health services, specifically behavioral and psychiatric health services for children. Section 1 would define terms, including high acuity youth, clinical professional, inpatient psychiatric hospital, and pediatric teaching hospital.

Section 2 would amend KRS 15A.305 to require that the Department of Juvenile Justice shall charge local governments a per diem rate set by administrative regulation for lodging juveniles in state-owned or contracted facilities. The statute previously allowed for the Department of Juvenile Justice to charge local governments a per diem not to exceed $94.

Section 3 would change the definition of youth alternative center to mean a facility operated by a local government and approved by the Department of Juvenile Justice.

Section 6 would amend KRS 645.280 to remove the prohibition of a peace officer charging a child who is mentally ill and in need of hospitalization with a status offense or

a public offense for the sole or primary reason of avoiding transporting the child to a hospital, mental health facility, or other less restrictive alternative.

Section 8 would amend KRS 15A.200 to establish that "youth alternative center" for purposes of specific statutes means a facility operated by a local government and which meets the criteria specified in Section 9 of the bill.

Section 9 would expand the counties that can apply to build/operate a youth alternative center to include a consolidated local government, unified local government, and charter county government.

SB 242 SCS 1 would have a mixed positive and negative fiscal impact on local governments. Several provisions in the proposed bill would make non-substantive changes to law enforcement duties relative to children in behavioral or psychiatric distress. These changes may require training for peace officers; while training for law enforcement is provided and paid for by the Kentucky Law Enforcement Council Fund, local law enforcement offices may have to pay overtime to officers covering the shifts of those officers away for training. The bill may require local law enforcement do more transporting of juveniles to a psychiatric hospital for assessment and then return the child to their home or other facility. It is possible local law enforcement would enter into an agreement with DJJ for reimbursement for transporting such juveniles.

A local government that establishes a youth alternative center to hold juveniles per Section 8 of the bill may be able to charge DJJ the cost of that service.

The requirement that the Department of Juvenile Justice shall charge counties for children lodged with the Department, other than those charged with an offense, could have a moderate negative fiscal impact on counties depending on the number of county children lodged with the Department of Juvenile Justice and on the per diem established.

Data Source(s):   LRC staff

Preparer: Mary Stephens (BL)   **Reviewer:**   KHC   **Date:**   3/15/24